

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
APRIL 27, 2010
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Presents: Mary Ferdon, Chairperson; Lou Marr, Vice-chairperson;
Dave Bonnell, Secretary; and Jeff Sharp

Staff Present: Jeff Bergman, Planning Director; Laura Thayer, Assistant
Planning Director; Alan Whitted, Deputy City Attorney;
Emilie Pannell, Associate Planner; Stephanie Carr,
Code Enforcement

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

NEW BUSINESS REQUIRING BOARD ACTION

Public Hearing

C/DS-10-03: International House of Pancakes

The International House of Pancakes is a request for a development standards variance from Zoning Ordinance Section 10(D) (7) to allow an off-site sign element on an existing multi-tenant monument sign at 2475 Jonathan Moore Pike. The sign element is 17.5 square feet. The International House of Pancakes is located at 54 Johnson Boulevard in the City of Columbus.

Emilie Pannell began the meeting by reading the background and the findings of fact into the record.

She said that the applicant has indicated that the proposed variance from Zoning Ordinance Section 10(D) (7) is for the purpose of allowing a 72 inch by 35 inch (17.5 square foot) off premise sign. This sign is proposed to be inserted into the panel on an existing multi-tenant freestanding sign, located at 2475 Jonathan Moore Pike. The off-premise sign is located approximately 1,000 feet from the international House of Pancakes (IHOP), which is located at 54 Johnson Boulevard, in the City of Columbus.

Ms. Pannell said the Zoning Ordinance states that off-premise signs and billboards are prohibited. Off-premise signs are signs that relate to or advertise an establishment, product, merchandise, service or entertainment which is not located, offered, produced, manufactured or furnished at the property on which the sign is located.

Jose Kreutz and Kevin Martin stated their names and address into the record.

Mr. Kreutz began by complimenting Ms. Emilie Pannell of the Planning Department for the great job and assistance she had given them.

He said that this request is for the placement of a sign panel advertising an existing restaurant in a commercial area where other similar signage already exists. The sign bears the worlds "IHOP Restaurant Open 24 Hr." and is therefore not injurious to health, safety, morals and general welfare of the community.

Mr. Kreutz stated that the area in which the sign is located is of a commercial nature. He said the proposed sign panel fits the nature and quality of other signage present in this area; adjacent to the proposed sign one finds signs for other restaurants and lodging establishments.

He said that in July of 2006 the City granted its approval for the construction of a freestanding sign which would host four (4) individual panel signs. Three panels have been permitted; this variance would grant approval for the last and final panel. If this variance is not approved, the previously permitted freestanding sign will have an unusable panel.

The meeting was open to the public.

There was no one to speak for or against the request.

Lou Marr made a motion to deny **C/DS-10-03** based on the findings of fact as presented by staff.

Jeff Sharp seconded the motion and it passed by a vote of 4-0.

FINDINGS OF FACT

The following findings of fact were presented to the Board for consideration:

C/DS-09-43: La Quinta Inn and Suites

Jeff Sharp made a motion to accept the findings of fact, and it was seconded by Lou Marr. The motion passed by a vote of 3-0.

C/CU-10-04: Columbus Signature Academy

Lou Marr made a motion to accept the findings of fact, which was seconded by Jeff Sharp. The motion carried 3-0.

C/CU-10-05: Columbus Signature Academy

Lou Marr made a motion to accept the findings of fact, which was seconded by Jeff Sharp, motion carried 3-0.

APPROVAL OF MINUTES

Upon the motion made by Jeff Sharp and seconded by Lou Marr the minutes of the March 23, 2010 meeting were approved by a vote of 3-0.

DISCUSSION

There was a discussion related to review of variance applications, findings of fact for board decisions contrary to staff recommendations, and the role of economic factors in variance applications and decisions.

Mr. Bergman began by stating that the board does not always agree with the staff's provisional finding which requires that the board make their own findings. Mr. Bonnell asked whether alternate findings could be prepared by the staff. Mr. Whitted said that the board's job is to come into the meeting and hear these cases without any pre-determined decision.

Mr. Sharp asked whether the staff could help petitioners be better prepared for the meeting. Mr. Bergman said that the staff does help them fill out the paper work but generally the applicant wants something that the staff is not going to support.

Mr. Crider commented on the hardships for businesses in meeting the zoning ordinance, particularly in regards to signage and landscaping. Ms. Marr suggested that businesses need to consider these things earlier in the planning process so that they don't have to request variances.

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Mr. Bergman said that what their staff looks for patterns of similar requests, which can sometimes mean that the ordinance needs to be adjusted.

Ms. Ferdon said if the board makes a motion and it is not what staff has recommended, maybe they could mark each provisional finding as to whether they agree or disagree, in order to be better prepared when they make their motion. Mr. Bergman said that the staff could prepare a form for board members with the criteria, leaving space for notes.

There being no further business the meeting was adjourned.

Mary Ferdon, Chairperson

Dave Bonnell, Secretary